

A & D JOURNAL

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June 2001

GENERAL ASSEMBLY APPROVES CADPAC'S LEGISLATIVE AGENDA

By Cheri Harris



The Judicial Center is pleased to announce a legislative victory for court alcohol and drug programs. Senate Bill 506 passed out of the General Assembly by vast majorities in each house thanks to the efforts of the bills authors, Senator Tom Wyss and Senator Bill Alexa, and its sponsors, Representative Mike Dvorak and Representative Gloria Goeglein. Signed into law by Governor Frank O'Bannon on May 2, 2001, the bill, which now becomes Public Law 113, takes effect July 1, 2001

Perhaps most beneficial for court programs is a provision in the bill that permits programs to increase their user fees up to \$400. Up until now the statute has capped the user fee at \$300, the same amount programs were allowed to charge when the user fee was first enacted in 1979. The need for this increase was well illustrated by the fact that some of the legislators voting on the bill were still in high school at that time.

After years of exercising the rulemaking authority implicit in our charge to administer and certify court alcohol and drug programs, the IJC especially appreciates the portion of the bill that spells out the Center's rulemaking authority explicitly in statute. The bill amends IC 12-23-14-13 to give the IJC the same powers that DMH had in IC 12-23-1-6 regarding administering the programs. The bill requires the Judicial Conference Board of Directors to adopt rules regarding certification, decertification, and recertification and permits the board to adopt minimum educational and occupational standards for staff or contractors of court A & D programs. At the Board's specific request it contains a Agrandfather@ provision for persons employed by certified court A & D programs prior to the adoption of minimum standards

In addition the bill increases the fees that a circuit court alcohol abuse deterrent program may charge under Title 9. These programs are not subject to Judicial Center oversight.

As your program contemplates adjustments to its user fee, please keep in mind the Judicial Center's assurances to legislators that we did not expect all programs to immediately raise fees to the maximum amount. For some programs, particularly programs in more urban areas that have been charging \$300 for quite awhile, the \$100 increase to the cap on fees merely permits an overdue adjustment for inflation during the past 22 years. However, the Judicial Center remains optimistic that many programs will approach their new flexibility to increase fees as an opportunity to offset the cost of improved programming and services, and to implement higher standards of quality and uniformity recommended by the Judicial Center.

Many seasoned lobbyists take the approach that the first year a bill is introduced is just an opportunity to start the education process regarding the background indicating a need for the change in law. For this reason we are especially pleased to have moved our agenda in the same year that it was first presented. Much credit is due to the skill and dedication of our loyal friends and supporters in the legislature. Senators Wyss and Alexa, Representatives Dvorak and Goeglein - we thank you for responding to our needs! Thanks also to Judge Barbara Brugnaux and Judge Jane Magnus-Stinson who carved time out of their busy schedules to testify in favor of the bill, and to members of the Policy Subcommittee who guided staff through this legislative session with tremendous support.

A copy of the final version of the bill will be distributed at the upcoming Program Directors' meetings. If you wish to see the language prior to those meetings you may go to

http://www.state.in.us/legislative/bills/2001/SE/SE0 506.1.html on the Internet or if you do not have Internet access you may contact the Judicial Center for a copy.

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Other Bills of interest - Legislative Digest -*

House Bill 1892 Methamphetamine. Makes the criminal penalties for offenses relating to methamphetamine equivalent to the penalties for offenses relating to cocaine and narcotic drugs. Makes conforming changes to other statutes relating to cocaine and narcotic drug offenses to incorporate offenses relating to methamphetamine. Permits a law enforcement agency to dispose of chemical waste used in the production of illegal drugs. Imposes a class D felony for the dumping of chemical drug waste. Creates penalties for possessing anhydrous ammonia. Creates a defense for a person charged with a felony drug offense that is elevated because the person was within 1,000 feet of school property, public park, family housing complex, or youth program center. Effective 7/01/01

House Bill 1781 - Alcohol and controlled substances.

Specifies that it is a Class B misdemeanor for a person to be: (1) in a public place or a place of public resort; or (2) in or upon public transportation or in a depot, station, or airport; in a state of intoxication caused by the person's use of alcohol or a controlled substance. Requires a person to pay the \$200 alcohol and drug countermeasures fee if a person is charged with an offense under IC 9-30-5, but is convicted, based on a plea bargain approved by the court, of (1) operating a tractor-trailer combination or other vehicle recklessly; or (2) the person is found to have committed the offense of public intoxication or intoxication upon a common carrier. Removes a provision that requires a person's driving privileges to be suspended by a court or the bureau of motor vehicles before the person is required to the alcohol and drug countermeasures pay Effective 07/01/01

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Senate Bill 0466 - Implied consent. Requires a law enforcement officer to offer a portable breath test or chemical test to a person who the officer has reason to believe operated a vehicle that was involved in a fatal accident or an accident involving serious bodily injury to determine if alcohol, a controlled substance, or a drug is present in the person's body. Specifies that if: (1) the results of a portable breath test indicate the presence of alcohol; (2) the results of a portable breath test do not indicate the presence of alcohol but the law enforcement officer has probable cause to believe the person is under the influence of a controlled substance or another drug; or (3) the person refuses to submit to a portable breath test, the law enforcement officer is required to offer a chemical test to the person. Effective 7/01/01

House Bill 1618 - Blood and breath alcohol concentrations. Reduces from 0.10% to 0.08% the percentage of alcohol concentration equivalent in a person's blood or breath that is necessary to constitute prima facie evidence of intoxication in a prosecution for operating a motor vehicle or watercraft while intoxicated. Reduces the range of percentages of alcohol concentration equivalent in a person's blood or breath that is necessary to constitute relevant evidence of intoxication in a prosecution for operating a motor vehicle or watercraft while intoxicated from at least 0.05% but less than 0.10% to at least 0.05% but less than 0.08%. Provides that operating a vehicle while intoxicated is a Class C misdemeanor and that operating a vehicle while intoxicated in a manner that endangers a person is a Class misdemeanor. Makes conforming amendments. Effective 7/01/01

House Bill 1813 - Mental health. Changes the name of the division of mental health to the division of mental health and addiction. And numerous other subjects related to mental health.

* These are highlights of selected bills, but complete copies may be obtained from the internet General Assembly website www.ai.org/serv/lsa_billinfo. Any discrepancies between the digest and the entire bill should be directed to John Rowings at LSA or an attorney at the Judicial Center.



Visit Access Indiana website for more detail information and complete copies of new legislation. www.state.in.us





CADPAC recommends a Pilot Program for IJC oversight of DRUG COURTS By Bill Carey

Vigo Drug Court

Chief Justice Approves CADPAC Recommendation

Chief Justice Randall T. Shepard approved a May 11th CADPAC recommendation that the Indiana Judicial Center (IJC) conduct a Pilot Program on providing oversight of Indiana Drug Courts. Currently, Drug Courts operate with little state judicial oversight and report only to those entities funding their programs. In many such cases oversight is usually provided by the Federal Government's Department of Justice, who funds many of our Drug Courts. To further this initiative, an Ad-Hoc Committee has been formed under the leadership of Hon. Raymond M. Kirtley. The committee will provide oversight to five volunteer courts. These courts are Vigo, Allen, Monroe, Madison, and Vanderburgh. Committee members are:

Hon. Raymond M. Kirtley, Chair Montgomery County Court

Hon. Barbara Brugnaux Mr. Snider Page

Mr. Snider PageAllen Drug CourtHon. Kenneth G. ToddMonroe Drug CourtHon. David W. HopperMadison Drug Court

Hon. Wayne S. Trockman Vanderburgh Day Reporting Court

Mr. Art Kozumplik CADPAC Member

The committee will have its inaugural meeting at the Indiana Judicial Center on June 8, 2001. Ms. Karen Moore, President of the Indiana Association of Drug Court Professionals has graciously agreed to assist the committee with the expertise of her association and its members.

NEXT CADPAC meeting September 12, 10:00 a.m. to 12:00 p.m. in conjunction with the Judicial Conference at the Westin Hotel. Meeting at the IJC.

EDITORIAL

Toward a Unified Indiana Judicial Policy on Substance Abuse

Recent discussions at a prominent substance abuse conference centered on the fragmentation of substance abuse policy nationally and within most states, including Indiana. Ed.

Some analysts charge that substance abuse policy in Indiana, as in many states, is fragmented. Substance abuse prevention, enforcement, intervention, treatment, rehabilitation and aftercare are the responsibility and domain of many different state agencies. Likewise, this responsibility is implemented in all 92 counties by a variety of private, non-profit, and governmental agencies all of whom have their own purpose. While all three branches of state government need to address this issue, the judiciary's first step toward this goal would be to address the question:

"Is the Judicial Branch fragmented in its response to substance abuse?"

Most judges and court staff might say "Yes" to this question due to a lack of coordinated programs at the misdemeanor and felony levels. However, the recent efforts of CADPAC (the Court Alcohol and Drug Program Advisory Committee) to initiate a pilot program of oversight for Drug Treatment Courts, by the Indiana Judicial Center, is a major step in developing a unified judicial policy and response to substance abuse. Indiana has an advantage many other states do not. It operates Court Alcohol and Drug Programs at the misdemeanor level. This is very different, if not unique, from most other states. Indiana has more than 25 years of judicial experience in providing treatment as part of the adjudication process for substance abusers at the misdemeanor level. DUI Courts and Drug Courts are not "a new concept" for this state's judiciary. However, *Indiana does need a strong, unified judicial substance abuse policy and practice, at both the misdemeanor and felony levels.* The solution to this need may well have been generated by CADPAC. The efforts of the Indiana Judicial Center to build a framework for addressing substance abuse are intended to provide support for those judges working toward the unified judicial response that is needed in Indiana.

Comments to editorials are solicited by the editor. Please address your response to Editor. A&D Newsletter c/o LIC.

IJC Governor's Council GRANTS - UPDATE

PRIME for Life - Indiana supported by DMH and IAIC

Our attempt to establish a state of the art advanced substance abuse education course has won the enthusiastic support of the Division of Mental Health and the Indiana Addictions Issues Coalition. A representative from both of these organizations attended the training and hailed it as a sorely needed upgrade of current curriculum. "I was impressed with the depth of research that PRI affords." said Phil Taggart, Director of IAIC. "This curriculum is a masterful piece of education in influencing offenders and bringing them to a realistic view of themselves and their substance abuse problem," added Taggart. Louise Polansky, DMH, echoed Taggart's comments and fully supports the program. They both see their organizations as needing to address this model in the context of substance abuse treatment.

Hudson Institute Grant/IU Grant

by Deb Farmer

Professor Ed McGarrell presented an update on the progress of this grant during a meeting May 9, 2001 at the Indiana Judicial Center. Site visits have been conducted at Marion, Monroe, Bartholomew, Howard, Cass, Wabash, Delaware, Johnson, Shelby and Putnam programs. A questionnaire for phone interviews was developed from these visits and will be used to contact all remaining programs. The team remarked very favorably on the cooperation and enthusiasm of the programs contacted.

A tentative schedule was presented as follows:

- <u>Stage 1</u> Assessing Current Capacity, Target Completion Date (TCD) July, 2001
- <u>Stage 2</u> Developing Minimal Standards, TCD September, 2001
- <u>Stage 3</u> Disseminating the Standards, October 18, 2001, 10:00am - 3:00pm at the Holiday Inn-Lebanon, IN
- <u>Stage 4</u> Technical Assistance, TCD November, 2001
- <u>Stage 5</u> Conducting Model Evaluations TCD January, 2002

A formal presentation will be made by researchers at our next annual meeting in March, 2002.

PRI Initial Training – A Big Success

A total of six workshops training approximately 120 instructors, will be completed July 13th.

Training sessions were held as follows:

| January 22-26 | French Lick Resort Hotel |
|---------------|--------------------------|
| | French Lick, IN |

January 29-Feb.2 Radisson Star Plaza Hotel

Merrillville, IN

February 19-23 Fort Wayne Holiday Inn

Fort Wayne, IN

March 26-30 Omni North Hotel

Indianapolis, IN

June 25-29 Omni North Hotel

Indianapolis, IN

July 9-13 Holiday Inn

Columbus, IN

Initial evaluations from the first four workshops provided PRI with a satisfaction rating of over 95%. Comments from participants sounded recurring themes that this training:

"exceeded my expectations"

"provided me a more positive attitude"

"provided me with a new perspective" "significantly changed my teaching"

"best training I've been to in years"

"changed my perception that abstinence is the only way"

"gave me a new way of teaching through influence, rather than preaching"

PRI SKILL BUILDING WORKSHOPS:

The next step for trained instructors that have taken PRI.

June 14 & 15 French Lick September 18 & 19 South Bend October 16 & 17 Lebanon

Contact Donna Durr for additional information and to enroll (317) 232-1313.

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GERTIFISATION

Congratulations to the following programs for successfully completing the certification review during the period of January - May 2001:

| County | Supervising Judge | Program Director |
|---------------|---------------------------|-------------------------|
| Delaware | Judge James Jordan | Ms. June Kramer |
| Fountain | Judge Susan Orr Henderson | Mr. David Thompson |
| Fulton | Judge Wayne Steele | Mr. Andrew Holland |
| Grant | Judge Natalie Conn | Ms. Cynthia McCoy |
| Jasper | Judge Philip McGraw | Ms. Mary Beth Ryan |
| Newton | Judge Daniel Molter | Ms. Mary Beth Ryan |
| Parke | Judge Ronda Brown | Ms. Diana Shelton |
| Warren | Judge Robert Hall | Mr. David Thompson |
| White | Judge Robert Mrzlack | Ms. Linda Feuquay |

The following programs are scheduled for review this fall:

| County | Supervising Judge | Program Director |
|---------------|---------------------------|-------------------------|
| Brown | Judge Judith Stewart | Ms. Nicole Frederick |
| Decatur | Judge John Westhafer | Ms. Kristy Wallace |
| Greene | Judge J. David Holt | Ms. Cheryl Slomski |
| Harrison | Judge Roger Davis | Ms. Diane Harrison |
| Jennings | Judge Jonathan Webster | Ms. Judy Alcorn |
| Johnson | Judge Cynthia Emkes | Ms. Deana McMurray |
| Orange | Judge R. Michael Cloud | Mr. Kenneth Kendall |
| Scott | Judge Nicholas South | Ms. Betty Dumesnil |
| St. Joseph | Judge Roland Chamblee Jr. | Mr. Mahlon Wise |
| Tippecanoe | Judge Laura Zeman | Ms. Cindy Houseman |

Mid-term Visits

The Certification Review program contains a provision for visits to individual programs by IJC staff 18-24 months after certification. These one day Mid-term Visits will be scheduled with Program Directors and will include an update of the program's current status, a review of past findings and discussion concerning the next review.

Any questions regarding the certification process should be directed to Lori Amsbury at IJC.

Certification Sub-Committee Projects

A WORK IN PROGRESS

By Lori Amsbury

We are once again tackling a revision of our regulations. This year we focused on the clinical requirements for certification and added education standards. The draft was given out at the 3rd Annual Meeting, modified after a public meeting and modified yet again after review by the Certification Sub-committee of CADPAC. Then they were approved by CADPAC at the May 11, 2001 meeting and will become the current version after approval by the Board of Directors of the Judicial Conference on June 15, 2001. The IJC staff are conducting two meetings to explain the changes to the regulations and how they will impact program function and certification. The staff are extremely appreciative of the effort of all the judges and program directors in this endeavor. Thanks so much for all your hard work!

CSAMS Update

Along with all the other certification issues the Certification Sub-committee is managing, they are also working toward a credential specifically for court program staff – the Court Substance Abuse Management Specialist credential. After much discussion, the sub-committee will utilize a workgroup, headed by Penny Waggy (Boone County), to develop the guidelines and core test areas of this credential, as well as a study guide focusing on each. There are a limited number of places available in the workgroup; however, there will be occasions available for input on various relevant issues. Anyone interested in being involved in this group should contact Penny Waggy at (765) 482-6505.



EDUCATIONAL HAPPENINGS



FALL - New Staff Orientation scheduled for August 15-17 at IJC

Back by popular demand -

Lori Amsbury is heading the planning of a 3-Day Staff Orientation Workshop August 15-17. If you would like to <u>present</u> a topic or <u>suggest</u> a topic – Please contact Lori at (317) 232-1313.

We are expanding our program to three days. Many of the same topics will be covered with additional information on confidentiality and ethics. We are lengthening some of the sessions and using more experiential methods.

Registration information will be coming in the mail – respond to Donna Durr.

Thanks to all the Program Directors who helped make our first staff orientation a success!!

THIRD ANNUAL MEETING & Spring Staff Orientation - March 2001

The 3rd Annual Meeting of Court A&D Programs was extremely well received by attendees, staff and presenters. Positive comments were received concerning presentations made by Chief Justice Shepard, Father Michael Pflegler, our keynote speaker, Ron Gaetano, Judge Rieckhoff and our law enforcement presenters on current drug trends. The comments on "Help Sessions" indicated they were also well received.

IJC would like to thank all presenters, participants and staff who made this event such a SUCCESS.

WORKSHOPS SCHEDULED FOR JUDGES & PROGRAM DIRECTORS -

Revised Statutes and Regulations Update:

June 29, 2001 11:00 a.m. – 3:00 p.m. Omni North Hotel, Indianapolis (Lunch Provided by IJC) (following the conclusion of PRI training)

or July 13, 2001 11:00 a.m. – 3:00 p.m. Holiday Inn, Columbus IN
(Lunch Provided by IJC) (following the conclusion of PRI training)

• Hudson Institute/IU - Program Effectiveness & Statistics:

October 18, 2001 10:00 - 3:00

Holiday Inn, Lebanon, IN

(Lunch Provided by IJC)

Information has been sent – **Remember** to return your **FAX registration** form to confirm your attendance.

National DRUG COURT CONFERENCE

A **BIG** Success

The **NADCP** 7th Annual Training Conference was held May 30- June 2, 2001 in New Orleans, Louisiana. The training consisted of 17 tracks of 5 sessions each, two Plenary Sessions and two administrative sessions. Excellent training on Case Management, Drug Trends, Confidentiality, Program Funding, and State and Local Administration were just a few of the many topics covered during the conference. Indiana was represented by many of its 20 drug courts and the IJC.

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HAIL & FAREWELL

A Hearty Welcome is extended to:

Hon. Natalie R. Conn Supervising Judge Grant County Cynthia McCoy Program Director

Hon. R. Michael Cloud Supervising Judge Orange County Kenneth Kendall Program Director

THE SPOTLIGHT IS ON

NATIONAL SPOTLIGHT on Conference of Chief Justices

The **Conference of Chief Justices** and the **Conference of State Court Administrators** have jointly approved resolutions in support of **Problem Solving Courts**. Drug Courts, Family Courts, and other similar innovations in jurisprudence are examples of such problem solving courts. Chief Justice Shepard and Lilia Judson, Executive Director, Division of State Court Administration are respective members of these Conferences. The entire resolution will be available at the next Workshop.



BY: Susan Allen, Monroe County

MARK YOUR CALENDAR –
ANNUAL Training October 3,4,5
Turkey Run State Park
Topics: HIV, AIDS and
Professional Ethics



Upcoming Meetings: - June 22

2nd Floor Conference Room.

- August 24 At the City/County Building

Officers 2001-02

Karen Moore, Allen Co., President Tom Young, Gary City Court, V. President Paul Southwick, Vigo County, Secretary* Carroll Vasbinder, Vigo County, Treasurer

Board members:

Judge Lonnie Randolf, E. Chicago*
Yvette Pryse, Dearborn-Ohio
Judge Kenneth Scheibenberger, Allen Co.
Judge Barbara Brugnaux, Vigo County
Deb Bowman, Governor's Commission

* New to the board. By Judge Brugnaux



The basic goal of the **Indiana** Addictions Issues Coalition is to create a broad-based statewide grassroots network of members of the recovery community, family members, and care providers. The state organization welcomes all parties interested in addictions issues and invites your participation. For more information call (317) 638-3501 x 227 or (800) 555-6424 x 227. Next IAIC meeting is Friday, July 13, 10:30 am to noon at the Library Services Center in Indianapolis. Future meetings will be held at other locations around the state. By Phil Taggart



- o **Deb Farmer, Marion County,** has been promoted to Assistant Chief Probation Officer. Congratulations and Best Wishes, Deb!!!.
- o **Tippecanoe County** welcomes **Cindy Houseman** as Program Director. Congratulations and much Success. We all look forward to meeting you!!
- o **Jackson County** announces the promotion of **Beth E. White** to Substance Abuse Interventionist and **Michelle E. Neville** as full time secretary. Best Wishes to both.
 - o KAREN FREMAN-WILSON named National Leader -
- Our former Gary City Drug Court Judge and State Attorney General has assumed leadership as Chief Executive Officer, National Association of Drug Court Professionals (NADCP) and as Executive Director, National Drug Court Institute (NDCI). One of her first duties was to preside at the NADCP 7th Annual Training Conference recently held in New Orleans. An Indiana Delegation was well represented.

CALENDAR HIGHLIGHTS

DRUG COURT COMMITTEE Meetings

July 6 August 10 September 14 October 26

CADPAC Meeting

September 12

Program Director & Judges Workshops

June 29 July 13 October 18

PRI Initial Training Sessions

June 25-29 July 9-13



PRI Skill Building Workshops

June 14 & 15 September 18 & 19 October 16 & 17

STAFF ORIENTATION August 15-17

GOVERNOR'S COMMISSION Conference

August 29-31

IADCP Meetings
June 22

August 23

ICCADS Fall Training
October 3-5



SCHOLARSHIPS AVAILABLE FOR GOVERNOR'S COMMISSION CONFERENCE

The Governor's Commission for a Drug-Free Indiana is holding it's annual conference August 29 to August 31, 2001, at the Indiana Convention Center. The theme is "Many Voices One Vision: Valuing Differences and Building Strong Communities." Featured keynote speakers include Dr. Bertice Berry, Mohammed Bilal, and William C. Meyers.

This year, the Indiana Judicial Center's Court Alcohol and Drug Program joins with a number of other state agencies to help host the conference. The program aims to provide three event-filled days of professional revitalization, networking and personal enrichment. Useful information will be geared toward those working in treatment, prevention, and criminal justice, among others.

The IJC considers this event a worthwhile training opportunity and will make scholarship funds available to supervising judges and staff of court alcohol and drug programs that wish to attend. Contact Donna Durr at the IJC for a copy of the IJC's scholarship guidelines and application. For more information about the conference contact the Governor's Commission at (317)232-1295 or see the registration brochure, keynote speaker biographies, program schedule and registration form on-line at www.in.gov/cji/drugfree/registration.pdf.

Please send your comments, suggestions, topics, editorials, letters, promotions, recognition, etc.

We want to share your information.

Send or email to:

Indiana Judicial Center

115 West Washington St., Suite 1075

Indianapolis, IN 46204-3424

Attn: Donna Durr – email ddurr@courts.state.in.us

<u>WE NEED YOUR HELP</u> - to keep our records up-to-date with contact name, address, phone number, fax number and email address.

Please send update information to Bill Carey at bcarey@courts.state.in.us or Donna Durr at ddurr@courts.state.in.us

You can reach anyone at IJC by email – just use first initial, last name (lower case) @courts.state.in.us

We would like to receive email addresses from everyone and begin providing updates and information via email.

INDIANA JUDICIAL CENTER – Court Alcohol and Drug Program

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